

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, November 28, 2007, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, November 14, 2007 Worksession.

Action: Approved as amended, (WMH/CLH, 5-0).

2. **A-6185, Appeal of Carol Ann Placek** (Department of Permitting Services – Final Inspection for Building Permit No. 423918). Letters to the Board from the appellant and Rebecca Walker, Esquire, and a request for reconsideration from Jodi Longo.

Action: (1) Re-opened the record to include the letters from Ms. Walker and Ms. Longo; (2) denied the requests of Ms. Placek and Ms. Longo, (CLH/CGT, 5-0).

3. **CBA-334-B, Petition of Old Georgetown Club** (community swimming pool). Letter to the Board from Robert Bull, Board member, requesting an administrative modification.

Action: Granted the administrative modification, (CGT/WMH, 5-0).

4. **S-420-G, Petition of Holy Cross Hospital** (hospital). Letter to the Board from Cornelius McKelvey, Senior Vice President, requesting an administrative modification. [Large exhibits: simplified site plan with proposed sign location and curb/property line distances, scaled building elevations (2 sheets)].

Action: Granted the administrative modification, (CGT/WMH, 5-0).

5. **S-1490, Petition of Eileen Shoemaker** (accessory apartment). Letter to the Board from Barbara Ames requesting a transfer of the special exception.

Action: (1) Granted the transfer of the special exception; (2) the petitioner will be advised of the need for immediate occupancy of the apartment, (CLH/WMH, 5-0).

6. **S-1715, Petition of John E. Varnum and Sharon L. Wolchik** (accessory apartment). Memorandum from Cynthia Lundy, Inspector, Department of Housing and Community Affairs (DHCA) notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (WMH/CLH, 5-0).

7. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Rajesh and Ariel De requesting a transfer of the special exception.

Action: Denied the transfer of the special exception, (CGT/CLH, 5-0).

8. **S-2593, Petition of Dannette D. Sloan** (major home occupation/beauty shop). Letter of opposition from Marjorie and Francis Kenney.

Action: Re-opened the record to include the letter from Mr. and Mrs. Kenney, (CLH/CGT, 5-0).

#### **DECISION ITEM:**

9. **S-274-C, Petition Suburban Hospital Inc.** (hospital). Hearing Examiner's Report and Recommendation. Also included are letters to the Board from Barbara Sears, Esquire; Erin Girard, Esquire; Norman Knopf, Esquire; and a memorandum from Barbara Piczak, Inspector, DPS.

Action: (1) Re-opened the record to receive the letters from Ms. Sears and Ms. Girard, and Mr. Knopf; (2) rescinded the Show Cause Hearing, (CGT/CLH, 4-0/WMH/recused); (3) denied the request for Oral Argument; (4) adopted the Hearing Examiner's Report and Recommendation and granted the administrative modification with the amended conditions, (CLH/DKP, 4-0/WMH/recused).

#### **PENDING ITEMS:**

10. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [W/S 2/28/07]. Status Report from Todd Brown, Esquire. [W/S 10/17/07].

**PENDING ITEMS (continued)**

11. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference held on 3/14/07].
12. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report. [W/S 4/18/07].
13. **S-2217, Petition of Shell Oil Company** (automobile filling station). Inspection report from Heather Gottke, Inspector, DPS. Also included are letters from George Rudy, Program Manager [Large exhibits: site plan/landscape layout; site plan/fence layout; site plan/physical layout; canopy plan and elevations; stormwater management]. (1) Re-opened the record to include the correspondence from Ms. Gottke and Mr. Rudy (WMH/CGT, 5-0); (2) DPS has given the special exception holder 60 days to come into compliance; (3) item deferred until after the compliance period which ends 11/24/07. [W/S 10/17/07].

**Board Members**

Allison Ishihara Fultz, Chair  
Catherine G. Titus, Vice Chair  
Wendell M. Holloway  
Caryn L. Hines  
David K. Perdue

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist